

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

MACK WELLS

PETITIONER

V.

CIVIL ACTION NO.: 3:11-cv-392-DPJ-FKB

RONALD KING

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge [7], after referral of hearing by this Court. Magistrate Judge F. Keith Ball recommended denial of Respondent's motion to dismiss. The Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.¹

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball [7] be, and the same is hereby, adopted as the finding of this Court. Respondent's motion to dismiss [6] is denied.

SO ORDERED AND ADJUDGED this the 25th day of January, 2012.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE

¹ Petitioner filed an Objection [9], asking the Court to "look past the procedural bars and . . . [g]rant Petitioner the requested relief." Objection [9] at 5. As stated, Judge Ball recommended denying Respondent's motion to dismiss and allowing the habeas petition to proceed. No determination of the merits of the petition has been made at this time. In short, the Court reviewed the Objection and remains of the opinion that the Report and Recommendation should be adopted.